NACMPI Meeting June 2-3, 2004
Standing Sub-Committee #1
***Listeria monocytogenes* Interim Final Rule**

What suggestions does the committee have about the assessment of the *Lm* Interim Final Rule?

The Committee commends FSIS for their overall approach of issuing an interim final rule and conducting an assessment of its effectiveness through a team approach. There is some concern, however, that 18 months may not be sufficient to fully evaluate the rule. FSIS should consider outstanding issues such as the *Listeria* retail study to be conducted by the "National Alliance for Food Safety and Security" before finalizing the rule. Although the Committee recognizes that FSIS has some restrictions on including team members from outside the Agency, several of the areas the FSIS teams are evaluating fall within the jurisdiction of other Federal, State, or local agencies. FSIS should ensure recommendations from the Conference on Food Protection, FDA, AFDO, the Food Safety Alliance, and this Committee, among others, are included in their assessments.

A. Economic Impact Team

The Committee recommends that the team focus on differences among small, very small and large plants and assess economic impact on very small versus large plants. For example: Has the rule caused companies to go out of business or relinquish their grant of inspection.

In addition to the variables included in the "Economic Impact Team" discussion, the team should consider other variables, e.g., product types, frequency of production.

B. Labeling/Consumer Education Team

The Committee recommends that FSIS conduct focus groups and other consumer testing to assess various types of informational labeling including safe handling statements, statements addressing particular risk to vulnerable populations for products susceptible to *Lm* contamination and consider NACMCF recommendations on safety-based date labeling. The focus groups are necessary to more closely assess consumer response to labeling, since consumer testing has shown that consumers are frequently confused regarding various labeling statements.

In addition, the Committee endorses FSIS' education initiatives, other than labeling, that are directed to consumers. For example, FSIS' working with health professionals to disseminate information is very effective.

C. Training Team

The Training Team indicates it is evaluating the effectiveness of *Lm* training and the verification and accountability measures pertaining to the training. Currently, there is a

perception that EIAO's and CSO's understand the *Lm* rule while CSI's may not. As part of their evaluation, the Team should review whether the training is equally effective for EIAO's, CSO's, and CSI's and whether the accountability measures are adequate to ensure that those who participate in the training achieve some mastery over the subject.

D. Sampling Verification Team

FSIS' *Lm* verification testing is a critical aspect of the implementation of the rule. FSIS' verification activities will include determining whether establishments are following the correct sampling and testing procedures in compliance with the rule.

FSIS should focus on assessment of the three alternatives for risk mitigation to evaluate their effectiveness. Through this process, FSIS can also determine whether the assumptions on product risk made in the FDA/USDA Quantitative Risk Assessment are accurate.

E. Small Plant Guidance Team

FSIS should recognize that very small plants face special challenges in implementing new requirements. FSIS should include universities in disseminating guidance information to small plants. Representatives of District Offices should be involved to help deliver messages to industry through timely training. FSIS should use available technology to help train FSIS personnel and industry by using remote broadcast and videotapes of the broadcasts through distribution to small plants.

F. Retail Team

The Committee recognizes FSIS' expertise in many areas of the manufacturing of meat and poultry products. However, FSIS does not have the same knowledge of retail operations. Other groups, such as FDA, AFDO, State and local agencies, have experience in the operations of retail facilities and should be included in the retail portions of the assessment. This can be accomplished by interviewing the subject experts to fully address all concerns relating to potential contamination of product further processed at retail facilities.

G. Public Health Team

The Committee believes that it is appropriate that FSIS is evaluating public health data to evaluate the effectiveness of the rule.

As with *Salmonella*, FSIS should conduct molecular sub-typing and attempt to correlate positive product with actual cases of illness.

Next Steps

The next steps outlined are appropriate. FSIS should publish the report of the assessment and provide sufficient opportunity to comment. Based on the findings in the assessment and the comments, FSIS should make any necessary and appropriate changes to the rule.